

SENATOR CHAMBERS: ...they choose.

SENATOR KRISTENSEN: That I can agree with you, it does not restrict them in the federal Constitution, that's correct.

SENATOR CHAMBERS: So if it does not restrict them it means they can exercise a choice. If they are not prohibited from acting in a certain way...

SENATOR KRISTENSEN: That's where you would...

SENATOR CHAMBERS: ...then they can choose to act how they please to act in those circumstances. And like I tried to make it clear, when I talk about choice I'm not saying they can write in somebody's name for U.S. Senate and forth because the constitutional provision makes it clear which office they're voting for. But there is nothing in the constitution that says the electors vote has to follow the popular vote.

SENATOR KRISTENSEN: That's true, I can...

SENATOR CHAMBERS: So that means they can choose to deviate from that.

SENATOR KRISTENSEN: And my response to that is that can be an interpretation. To me they're silent on that, and that's left to the state to decide. So by that silence does that mean they have a choice, that's a possible interpretation. Yes, I believe that's a possible interpretation. I think they're silent and leave that for the state to decide.

SENATOR CHAMBERS: Madam President and members of the Legislature, when the federal government lays out...it creates a system and it lays out a procedure. You don't see anything in this part of the U.S. Constitution which empowers the Legislature to do anything. When you're talking about House members and elections in general, the constitution itself says that with reference to times, places and so forth, the legislatures can enact laws relative to those things. So if you're going to look at the way the constitution has expressed itself with reference to elections it tells you in those areas where the states can act. When it comes to this provision it does not authorize the states to do anything other than specific things. And the states cannot go beyond determining how they're